

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

SOLOMON WILLIAMS, et al.,

Plaintiffs,

v.

THE BOEING COMPANY, et al.,

Defendants.

No. C98-761P

ORDER ON PLAINTIFFS'
MOTION FOR PRELIMINARY
APPROVAL OF THE FORM
AND CONTENT OF CLASS
NOTICE

This matter comes before the Court on Plaintiffs' Motion for Preliminary Approval of the Form and Content of Class Notice. (Dkt. No. 821). The Court, having reviewed the pleadings and supporting materials submitted by the parties, hereby finds and ORDERS as follows:

(1) The Court denies Boeing's request to delay sending notice to class members. The Court also denies Boeing's request to delete references in the proposed Class Notice to projected future steps in this litigation by Plaintiffs' counsel and to activities of Plaintiffs' counsel in other lawsuits.

(2) Subject to the provisions listed below, the Court grants preliminary approval to the form and content of the proposed Class Notice attached as Exhibit A to Plaintiffs' motion.

(3) The Court grants Boeing's request that an "opt-out form" and return envelope shall be included with the mailing of the Class Notice, subject to the following provisions:

(a) To help ensure that class members do not unwittingly exclude themselves

1 from the class, the opt-out form shall require a class member to do more
2 than sign the form in order to opt out of the class. The opt-out form shall
3 direct a class member to make an additional affirmative representation
4 (e.g., checking an appropriate box) that clearly expresses his or his choice
5 to be excluded from the class.

6 (b) The return envelope for the opt-out form shall be pre-addressed, but not
7 postage prepaid.

8 (c) Because the opt-out form is being added to the Class Notice at Boeing's
9 request and over the objection of Plaintiffs, the Court finds that Boeing
10 should bear the costs of printing the opt-out forms and return envelopes.
11 In addition, if the inclusion of the opt-out forms and return envelopes with
12 the Class Notice results in an increase in the cost of mailing the Class
13 Notice, Boeing shall bear the increased portion of the mailing costs.

14 (3) The Court grants Boeing's request that the Class Notice refer class members to a
15 neutral website for additional information. The Court finds that this Court's website
16 (www.wawd.uscourts.gov) would be an appropriate neutral website for this purpose. Therefore,
17 the Class Notice shall refer class members to the Court's website for additional information,
18 rather than to the website for Plaintiffs' counsel. Plaintiffs' counsel should confer and coordinate
19 with Shirley Lindberg of the Court's Clerk's Office regarding the steps needed to post the
20 appropriate materials on the Court's website.¹ The Clerk's Office may be reached at (206) 370-
21 8400.

22 (4) The proposed Class Notice attached as Exhibit A to Plaintiffs' motion shall be
23 revised in a manner to incorporate the provisions of this Order. A revised proposed Class
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25 ¹ The parties are advised that Ms. Lindberg is on leave until April 25, 2005. If Plaintiffs'
26 counsel wishes to begin this process before April 25th, they may contact Dave Decker at the
Court's IT Helpdesk at 370-8464.

1 Notice, as well as a proposed opt-out form and return envelope, shall be submitted to the Court
2 for final approval. Prior to the submission of these documents to the Court, the parties shall
3 meet and confer to attempt to reach agreement regarding the form and content of these
4 documents.

5 (5) The clerk is directed to provide copies of this order to all counsel of record and to
6 Shirley Lindberg and Dave Decker.

7 Dated: April 12, 2005.

8
9 /s/ Marsha J. Pechman
10 Marsha J. Pechman
11 United States District Judge
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